

FCC MAIL SECTION

Federal Communications Commission

DA 98-590

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Before the
Federal Communications Commission
Washington, D.C. 20554

DISC

In the Matter of)	
)	CC Docket No. 97-250
Tariffs Implementing Access Charge Reform)	
)	
Ameritech)	Transmittal No. 1146
Revisions to Tariff F.C.C. No. 2 & 4)	
)	
Bell Atlantic Telephone Companies)	Transmittal No. 1035
Revisions to Tariff F.C.C. No. 1)	
)	
NYNEX Telephone Companies)	Transmittal No. 490
Revisions to Tariff F.C.C. No. 1)	
)	
Sprint Local Telephone Companies)	Transmittal No. 50
Revisions to Tariff F.C.C. No. 1)	
)	
U S West Communications, Inc.)	Transmittal No. 903
Revisions to Tariff F.C.C. No. 3 & 5)	

MEMORANDUM OPINION AND ORDER

Adopted: March 31, 1998

Released: March 31, 1998

By the Chief, Competitive Pricing Division, Common Carrier Bureau:

I. INTRODUCTION

1. On December 30, 1997, the Common Carrier Bureau (Bureau) initiated an investigation into the provisions contained in incumbent local exchange carrier (LEC) access charge reform tariffs.¹ On January 28, 1998, the Bureau designated the specific issues for investigation in this proceeding in a separate order.² On March 17, 1998, Ameritech, Bell Atlantic Telephone Companies (Bell Atlantic), NYNEX Telephone Companies (NYNEX), Sprint Local Telephone Companies (Sprint LTCs), and U S West Communications, Inc. (U S West) filed the above transmittals to revise their interstate tariffs. These LECs' transmittals propose revisions to reflect their modified universal service fund (USF) support obligations resulting from the Commission's issuance of Second Quarter 1998 USF contribution factors. NYNEX's transmittal also corrects an error in allocating USF contributions among price cap baskets based on Bell Atlantic end user revenues instead of NYNEX end user revenues. In addition, the Sprint LTCs propose the following revisions: recalculation of non-primary access lines based on actual billing records; recalculation of the transport interconnection charge (TIC); adjustment of certain exogenous costs based on the residual and facilities-based TIC as of June 30,

¹ *Tariffs Implementing Access Charge Reform*, CC Docket No. 97-250, Memorandum Opinion and Order, 13 FCC Rcd 163 (Com. Car. Bur., 1997) (*Access Charge Reform Tariffs Suspension Order*).

² *Tariffs Implementing Access Charge Reform*, CC Docket No. 97-250, Order Designating Issues for Investigation and Order on Reconsideration, DA 98-151 (Com. Car. Bur., rel. Jan. 28, 1998) (*Access Charge Reform Tariffs Designation Order*).

1997; and elimination of the DS3 end office and tandem dedicated trunk ports. We have no record of the receipt of any petitions filed against these tariff transmittals to date.

II. DISCUSSION

2. These transmittals raise issues that were designated for investigation in the *Access Charge Reform Tariffs Designation Order*. Therefore, we suspend these transmittals for one day, following the currently scheduled effective date, and make these transmittals subject to the investigation initiated in the *Access Charge Reform Tariffs Suspension Order*.

3. At the conclusion of the investigation, the rates that are the subject of this suspension order may be subject to the special, two-way adjustment mechanism described in the *Access Charge Reform Tariffs Suspension Order*, for the reasons stated therein.³ We therefore put customers on notice that any revised rates provided in the transmittal suspended for one day by this order are provisional rates. If these provisional rates are found at the conclusion of the investigation initiated by the *Access Charge Reform Tariffs Suspension Order* to be below a just and reasonable level, we may allow carriers prospectively to charge higher rates for some elements to reflect the fact that they were charging less than would have been permitted for those elements during the pendency of the investigation. If these provisional rates are found at the conclusion of the investigation initiated by the *Access Charge Reform Tariffs Suspension Order* to be above those permitted by our rules, and thus unreasonably high, we may require the LECs to make refunds to their customers. It is also possible that, in some cases in which the same customer has paid both charges that were found to be too high and charges that were found to be too low, refunds could be offset by amounts allowed for recoupment.

III. EX PARTE REQUIREMENTS

4. This investigation is a permit-but-disclose proceeding and subject to the permit-but-disclose requirements under Section 1.1206(b) of the rules, 47 C.F.R. § 1.1206(b), as revised. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b), as well.

IV. ORDERING CLAUSES

5. Accordingly, IT IS ORDERED, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the tariff revisions filed by Ameritech, Bell Atlantic Telephone Companies, NYNEX Telephone Companies, Sprint Local Telephone Companies, and U S West Communications, Inc., ARE SUSPENDED for one day from the effective date and an investigation of the referenced tariff transmittal IS INSTITUTED AND CONSOLIDATED in CC Docket No. 97-250.

6. IT IS FURTHER ORDERED that Ameritech, Bell Atlantic Telephone Companies, NYNEX

³ *Access Charge Reform Tariffs Suspension Order* at §§ 7-8.

Telephone Companies, Sprint Local Telephone Companies, and U S West Communications, Inc., SHALL FILE, within five business days of the release date of this Order, tariff revisions to reflect the one day suspension from the currently scheduled effective date of April 1, 1998. These carriers should cite the DA number of the instant Order as the authority for this filing.

7. IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 204(a), and through the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that Ameritech, Bell Atlantic Telephone Companies, NYNEX Telephone Companies, Sprint Local Telephone Companies, and U S West Communications, Inc., SHALL KEEP ACCURATE ACCOUNT of all amounts received by reason of the provisions that are the subject of this investigation.

FEDERAL COMMUNICATIONS COMMISSION

Jane E. Jackson
Chief, Competitive Pricing Division
Common Carrier Bureau